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Memo on the three East Timorese at the Swedish embassy

1. Travel documents

The Indonesian authorities have made it clear that they will not issue Indonesian passports for the three Timorese. [In any case, the implications for the three, had they accepted Indonesian passports, would have been very unfavourable, implying that they accepted Indonesian citizenship.] Although they are all entitled to Portuguese passports, there is no question of their getting these in Indonesia as it would greatly complicate matters.

The three remaining possibilities are:

a. Letter of protection from the UNHCR

b. Letter of protection from the ICRC

c. Travel document from the Swedish government, which can, I believe, be issued as something quite separate from granting asylum.

Of the two agencies, the ICRC is the more likely to grant documents; they have an established programme relating to East Timor which includes helping East Timorese to leave the country under the family reunion programme. These people usually travel on ICRC documents. The UNHCR is also being approached. Their problem is that their programme in Indonesia is confined to helping inward (ie Vietnamese) refugees and they are reluctant to get involved in this case, for fear of jeopardising their work in Indonesia.

The best option would be for the Swedish government to issue travel documents for the three. It would be extremely helpful if pressure were exerted in this direction.

2. Safe conduct from the embassy

Safe conduct for the three from the embassy into a plane needs to be planned in minute detail. In 1986, four West Papuans took refuge in the Dutch embassy. They were eventually given Dutch travel documents. In agreement with the Indonesian authorities, they were taken by van from the embassy, under escort by senior Dutch diplomats to the airport. The van drove straight onto the runway and the Papuans alighted at the foot of the steps leading up to the plane. The officials remained there until the doors had closed and the plane took off. The Papuans did not go through any formalities at the airport. This provides the model for safe conduct in the present case.

It is the responsibility of the Swedish government to negotiate the terms of such an arrangement. Moreover, regardless of whether the East Timorese leave with ICRC or UNHCR documents, the Swedish ambassador or a senior diplomat should be part of the escort. If an ICRC document is used, the ICRC representative will certainly accompany the men to the plane and may also stay with them on the first leg of their journey. Mr Princen (see below) will also escort them to the plane as well.

3. Air tickets

The best option would be for the three men to go straight to Sweden and on arrival there, be granted asylum or allowed entry as Portuguese citizens.

The Swedish government should be persuaded to buy air tickets for the three men.

4. Condition of the three men

The three East Timorese are under enormous pressure, having to deal with very unfamiliar problems, trying desperately to draft an agreement that will safeguard their departure from Indonesia and their safe passage to the departing plane.

They need help, medical check-ups (they have been on the run for nearly two years), clothes (the temperature at the embassy is too cold for them) and other forms of comfort to make things easier for them during their stay. Troops are in the vicinity and represent a constant intimidation. Naturally they want to get out as fast as possible but they need time to work out a satisfactory arrangement.

They have been prevented from making **any** contact with the outside world. This adds to their isolation; the Swedish authorities should be urged to relax this restriction upon them.

5. The mediator

Mr J.C. Princen, a highly respected human rights activist, chair of the Indonesian Institute for the Defence of Human Rights, has acted as mediator since the seven men entered the two embassies. He has for years been blacklisted by Jakarta, prevented from travelling abroad, banned from making public statements. He is also a sick man, with several chronic ailments and recently underwent surgery for skin cancer. He is frail and not very mobile, often having to use a wheelchair.

He has spent most of every day, including Sunday, at the embassy, to advise and calm down the Timorese, placate the embassy officials and deal with the Indonesian authorities, in particular, Major-General Hendro Priyono, military commander of Jakarta, a tough combat soldier with long intelligence experience, who is handling the case. (As far as we know, the Foreign Ministry has not yet been involved, though any agreement would have to be made with the Ministry.) Hendro troops are surrounding the embassy compound and represent a very intimidating force. Princen must try in particular to keep Gen. Priyono in a more placatory mood. A previous confrontation between the two men was when Princen was interrogated by the general after the Santa Cruz massacre, for being too supportive of the East Timorese.

Princen is also having to look after the needs of the three men in many respects. Much of this care should be taken over by the embassy, to reduce the pressure on Princen.

Princen ask me to get people to put pressure the Indonesian government on two issues: *to respect the human rights of the three men, and to respect his role as mediator*. The latter point relates to the current situation as well as to what may happen afterwards when he could face reprisals.

Princen is determined to stick with this issue to the end, but this is straining him to the limit. The Swedish embassy must help ensure that they do not rely too much on him for things that they themselves could handle. We don't want him to break under the strain.

6. The time factor

The Swedish embassy is under strong pressure from Stockholm to get this incident over fast. This has led to tensions in the embassy, felt in particular by the three East Timorese and Princen. Such a situation could have a very negative impact, impelling them to give up, though I must stress that there is no sign of that at the moment.

The Swedish government should be persuaded to understand that the arrangements described above may take time. Everyone wants the incident to end fast, not least the three Timorese and Princen, but any pressure from Stockholm to push things faster than they can go is extremely unhelpful. The Papuan incident at the Dutch embassy took two weeks to resolve.

Your help and support in bringing about a successful conclusion to this very difficult and complicated affair would be greatly appreciated. I would appreciate being kept informed of any information regarding developments in Sweden relevant to our finding a solution. I keep in regular contact with Mr Princen. You can also speak to him by phone, either at the embassy (+62 21 520 1551) or at his home (+62 21 850 9805).

Carmel Budiardjo